

14230 U.S. PTO  
012904

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22141 U.S. PTO  
10/767310  
012904

**MAIL STOP PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

***REQUEST FOR FILING A CONTINUATION OR DIVISION  
OF AN INTERNATIONAL APPLICATION***

Sir:

This is a request for filing a *continuation* application under 37 C.F.R. 1.53(b), of pending prior international application number PCT/EP02/08495 filed on July 31, 2002 which designated the United States.

Inventor(s):

**Manfred DWORSCHAK** whose address is Riedweg 13, D-78589 Duerbheim, Germany  
and whose citizenship is: Germany

**Theodor LUTZE** whose address is Hochstattweg 6, D-78582 Balgheim, Germany  
and whose citizenship is: Germany

**Pedro MORALES** whose address is Fronhofstrasse 26, D-78532 Tuttlingen-Nendingen, Germany  
and whose citizenship is: Germany

**Dieter WEISSHAUPT** whose address is Bachzimmerer Oesch 10, D-78194 Immendingen, Germany  
and whose citizenship is: Germany

Title: **MEDICAL INSTRUMENT**

**APPLICATION ELEMENTS:**

- (1) ☒ Patent Application Specification, including Abstract and claims - 26 pages
- (2) ☒ Three (3) sheet(s) of **formal drawings**, together with transmittal letter
- (3) ☒ A check in the amount of \$972.00 to cover the ☒ filing fee(\$932.00 ) and/or ☒ Assignment Recordal Fee (\$40.00) is enclosed.
- ☐ Before calculating the fee, cancel claim(s)
- ☐ Before calculating the fee, see copy of Preliminary Amendment filed.

Basic Fee							\$	770.00
Multiple Dependent Claims (\$260.)								
Foreign Language Surcharge (\$130.)								
	For	No. Filed	-	No. Extra		Rate		
EXTRA	Total Claims	29	20	9	x	\$18.	=	\$ 162.00
CLAIMS	Independent Claims	1	3	0	x	\$86.	=	\$ 0.00
<b>TOTAL FILING FEE</b>							=	\$ 932.00

- ☒ The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.
- (4) ☒ Declaration and Power of Attorney form -- 3 pages
- a. ☒ Newly executed
- b. ☐ Copy from a prior application
- c. ☐ Deletion of inventor(s) – signed statement attached deleting inventor(s) named in the prior application.
- (5) ☐ Small Entity Status

**ACCOMPANYING APPLICATION PARTS:**

- (6) ☒ Assignment document
- a. ☒ Newly executed (with \$40.00 recordal fee) and separate transmittal Form PTO-1595
- b. ☐ Copy from a prior application
- c. ☒ Please include assignee information when this application is published
- Assignee: AESCULAP AG & Co. KG**  
**Am Aesculap-Platz**  
**D-78532 Tuttlingen**  
**Germany**
- (7) ☐ Preliminary Amendment
- (8) ☒ Certified Copy of Priority Document, together with separate transmittal letter
- (9) ☒ Information Disclosure Statement, together with PTO Form 1449, copies of cited foreign references and International Search Report for PCT/EP02/08495
- (10) ☒ Return receipt postage prepaid postcard
- (11) ☒ Express Mail Certificate (Mailing Label No. **EV 129898211 US**)

(12) ☒ Application Data Sheet

(13) ☐ Other:

(14) ☒ Please amend the specification by inserting before the first line the sentence:

**"This application is a continuation of international application number PCT/EP02/08495 filed on July 31, 2002."**

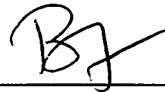
(15) ☒ This application claims the benefit of German Patent Application No. 101 38 394.0 filed August 4, 2001.

(16) ☒ Correspondence address:

**Barry R. Lipsitz  
Law Offices of Barry R. Lipsitz  
755 Main Street, Building 8  
Monroe, CT 06468  
Telephone: (203) 459-0200**

(17) ☒ Pursuant to the provisions of 37 C.F.R. Sections 1.10 and 1.53, Applicants respectfully request that this application be assigned a serial number and a filing date of January 29, 2004, the date upon which the application was mailed to the Patent and Trademark Office by Express Mail (No. EV 129898211 US).

Respectfully submitted,



Barry R. Lipsitz  
Attorney for Applicant(s)  
Registration No. 28,637  
755 Main Street, Bldg. 8  
Monroe, CT 06468  
(203) 459-0200

**ATTORNEY DOCKET NO.: HOE-798  
Date: January 29, 2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 Dworschak et al. )  
 Filed: Herewith )  
 For: **MEDICAL INSTRUMENT** )

**EXPRESS MAIL CERTIFICATE****MAIL STOP PATENT APPLICATION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

"Express Mail" mailing label number EV 129898211 USDate of Deposit: January 29, 2004

I hereby certify that the attached:

- [ x ] Return receipt postage prepaid postcard;
- [ x ] Check in the amount of \$972 (Filing Fee (\$932) and Assignment Recordal (\$40));
- [ x ] Transmittal Letter (Request for Filing a Continuation or Division of an International Application), with attachment - 3 pages total;
- [ x ] Application Data Sheet;
- [ x ] Patent Application Specification including Abstract and Claims (26 pages);
- [ x ] Three (3) sheets of formal drawings, together with transmittal letter;
- [ x ] Declaration and Power of Attorney form;
- [ x ] Assignment, together with Form PTO-1595;
- [ x ] Certified copy of priority document (German patent application no. 101 38 394.0, together with transmittal letter;
- [ x ] Information Disclosure Statement, together with Form PTO-1449, copies of cited foreign documents and International Search Report for International patent application PCT/EP02/08495.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 and 1.53 on the date indicated above and is addressed to: **MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Carol Prentice

(Typed or printed name of person mailing paper or fee)

*Carol Prentice*

(Signature of person mailing paper or fee)

Respectfully submitted,

*Barry R. Lipsitz*Date: **January 29, 2004**ATTORNEY DOCKET NO.: **HOE-798**

Barry R. Lipsitz  
 Attorney for Applicant(s)  
 Registration No. 28,637  
 755 Main Street, Bldg. 8  
 Monroe, CT 06468  
 (203) 459-0200

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dworschak et al.

Application No.:

Filed: Herewith

For: **MEDICAL INSTRUMENT**

**DRAWING REVIEW BRANCH**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail (No. EV 129898211 US) addressed to MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 29, 2004.

By:

*Carol Prentice*  
Carol Prentice

**TRANSMITTAL OF FORMAL DRAWINGS**

Dear Sir:

Enclosed are three (3) sheets of formal drawings for filing in the above-referenced patent application.

Please advise the undersigned attorney if correction is necessary.

Respectfully submitted,

*Barry R. Lipsitz*

Barry R. Lipsitz  
Attorney for Applicant(s)  
Registration No. 28,637  
755 Main Street, Building 8  
Monroe, CT 06468  
(203) 459-0200

Date: January 29, 2004

**ATTORNEY DOCKET NO.: HOE-798**